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Los Angeles Superior Court

SEP 12 2017

Sherri R. Carter, Executive Officer/clerk

By Shaunya Bolden, Deputy

Attorneys for Plaintiff

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SUPERIOR COURT OF THE STATE OF CALIFORNIA

COUNTY OF LOS ANGELES, CENTRAL DISTRICT

THE PEOPLE OF THE STATE OF CALIFORNIA,

Plaintiff,

vs.

INEST A. THACKER aka INEST ALEXANDER
THACKER aka INEZ THACKER aka INEZ
ALEXANDER aka INEST ALEXANDER aka INEZ
HALCROMB, an individual; DARRYL E.
HALCROMB aka DARRYL EUGENE HALCROMB,
an individual; and DOES 1 through 50, inclusive,

Defendants.

Case No.:

BC 675554

COMPLAINT FOR ABATEMENT AND
INJUNCTION

[HEALTH & SAFETY CODE SECTION
11570, ET SEQ.; CIVIL CODE
SECTION 3479, ET SEQ.; BUS. &
PROF. CODE SECTION 17200, ET
SEQ.]

[Unlimited Action]

PLAINTIFF, THE PEOPLE OF THE STATE OF CALIFORNIA, alleges as follows:

I. INTRODUCTION

1. This action (the "Action") is brought and prosecuted by Plaintiff, the People of the State of California (the "People" or the "Plaintiff"), for the purpose of abating and enjoining a dangerous and narcotics-related public nuisance existing at a single family residence located at 1123 E. 118th Street, Los Angeles, CA 90059 (the "Property"). The Action is brought pursuant to the Narcotics Abatement Law ("NAL"), California Health and Safety Code section 11570, et seq.; the Public Nuisance Law ("PNL"), California Civil Code sections 3479-3480; and the Unfair Competition Law ("UCL"), California Business and Professions Code section

1 17200, *et seq.*

2 2. The Property, located on a residential street in South Los Angeles, is comprised
3 of a single-story, three bedroom house and a detached garage which has been illegally
4 converted into a living space. This Property is located less than 2,000 feet from several
5 sensitive sites in the community, including two elementary schools, a church, and two public
6 parks.

7 3. For the past two decades, the Property has been the seat of lawlessness and
8 disorder, marked by rampant narcotics activity, violence and crimes frequently involving
9 firearms. The Property continues to be a busy and lucrative "crack house," where the sale of
10 cocaine, marijuana, PCP, and other controlled substances takes place on a regular and
11 continuous basis to drug users and buyers who walk, bike and drive up to the Property to
12 purchase drugs. In the last five months, alone, there have been at least two search warrants,
13 two controlled buys using informants, two surveillances revealing an ongoing, busy walk-
14 up/drive-up drug trade, at least seven narcotics-related arrests at the Property, and, without
15 limitation, the recovery of thousands of dollars in drug money, digital scales and razor blades,
16 baggies, glass pipes, rock cocaine, phencyclidine (commonly known as PCP), and a semi-
17 automatic handgun. At any given time, the Property is occupied by dozens of individuals who
18 create or contribute to the narcotics and nuisance activity with utter disregard for the safety
19 and quiet enjoyment of the people in the surrounding area.

20 4. The Los Angeles Police Department ("LAPD") and the Los Angeles County
21 Sheriff's Department ("LASD") have devoted considerable resources over the years to
22 eliminating or suppressing the narcotics and criminal activity at or associated with the Property.
23 In the last two decades, as far back as LAPD's Consolidated Crime Analysis Database is able
24 to retrieve criminal incidents electronically, officers have served at least 10 search warrants at
25 the Property, and made over 50 arrests there for criminal acts including murder, possession-
26 for-sale of rock cocaine, utilizing a fortified house for drug sales, assaults and criminal threats,
27 shots fired, and weapons possession. In the same time frame, approximately 23 firearms were
28 reported to have been used in the commission of a crime or recovered at the Property,

1 including semi-automatic handguns of various calibers, revolvers, a pump action shotgun, and
2 rifles, as well as dozens of loose bullets and several boxes of ammunition of various calibers.
3 In 2005, a shootout occurred in the backyard of the Property resulting in the death of one
4 individual and gunshot injuries to another.

5 5. Defendant Inest Thacker ("Defendant Thacker") is the current owner of the
6 Property and has been for almost 21 years. In October of 1996, the Property was transferred
7 as a gift to Defendant Thacker and her deceased husband by her adult son, Defendant Darryl
8 Halcromb ("Defendant Halcromb") and Deadra Kay Kartley. Notwithstanding the transfer of
9 title, Defendant Halcromb, a career criminal, has been living at the Property when he is not
10 incarcerated and has been deeply involved in the nuisance activity at the Property for the last
11 two decades. Defendant Halcromb has been arrested at least 11 times for narcotics-related
12 and firearm-related crimes at the Property. Most recently, on May 18, 2017, during a search
13 warrant, Defendant Halcromb was arrested for possession for sales of rock cocaine at the
14 Property. The Property was left in the care of Defendant Thacker.

15 6. Defendant Thacker has been aware of the ongoing narcotics and firearms activity
16 at her Property since at least 2006, when she was advised about such activity at a meeting
17 that year between a Los Angeles Deputy City Attorney (other than the undersigned) and
18 LAPD. Though Defendant Thacker agreed to implement suggested remedies to halt the
19 ongoing nuisance activity at her Property, including evicting those tenants who were engaged
20 in narcotics, gang or illegal activities, the nuisance activity continued at the Property. In fact,
21 Defendant Thacker has been present at the Property during several search warrants. On May
22 18, 2010, Defendant Thacker was staying at the Property with family members when officers
23 served a search warrant at the Property and recovered approximately 8.6 gross grams of rock
24 cocaine, a digital scale and marijuana. During the service, Defendant Thacker's grandson told
25 Defendant Thacker to lock the doors because the police were present. On August 29, 2013,
26 Defendant Thacker was present at the Property during another search warrant service where
27 officers recovered a digital scale, over 40 pieces of rock cocaine, baggies, a 9-millimeter semi-
28 automatic pistol, a sawed-off shotgun, a box of .32 caliber ammunition, a box of .45 caliber

ammunition, a box of .40-caliber rounds, and a box of 9-millimeter ammunition. More recently, on May 18, 2017, officers served a search warrant at the Property and recovered a semi-automatic handgun, approximately 56.8 gross grams of rock cocaine, approximately 46.1 gross grams of PCP, two digital scales, razor blades, bottles of promethazine with codeine, and over \$12,800 in U.S. currency. Upon completion of the search warrant service, the Property was left in the care of Defendant Thacker. Defendant Thacker is the Property's sole owner and is strictly liable under California law for maintaining and operating her Property so as not to be the severe and dangerous illegal nuisance that it is. She has been either unwilling or unable to do so.

7. From the vantage point of the street, the exterior of the Property appears to blend in with the other well-maintained homes in the neighborhood. However, upon closer inspection, the Property reveals itself to be a hub of narcotics and dangerous criminal activity. On any given day, narcotics purchasers from the street approach the Property, walk through a wrought iron roll away gate and onto the driveway where they must pass a second gate to gain access to the backside of the house and garage. At any given time, behind this second gate, are a number of inoperable vehicles parked on the Property. The doors to the house and the converted garage have been fortified with security gates and multiple sliding lag bolts to brace each door and render each difficult to breach for the protection of the narcotics dealers inside. Moreover, several counter-surveillance cameras are mounted throughout the Property to further the drug dealing that takes place within.

8. This Action is intended to bring the unacceptable state of affairs at the Property to a halt, and to bring an end to the narcotics and firearms activity, the violence, and the lawlessness at the Property.

II. THE PARTIES AND THE PROPERTY

A. Plaintiff

9. Plaintiff, the People, is the sovereign power of the State of California, and is authorized to bring the first cause of action pursuant to the Narcotics Abatement Law ("NAL"), Health and Safety Code section 11571, *et seq.*, and the second cause of action pursuant to

1 California Code of Civil Procedure section 731, which authorizes abatement, injunction, and
2 penalty of and for public nuisances pursuant to the Public Nuisance Law ("PNL"), California
3 Code sections 3479-3480. Furthermore, the City of Los Angeles has a population in excess of
4 750,000, and as such, California Business and Professions Code section 17204 authorizes
5 Plaintiff, the People, to prosecute actions for relief under California Business and Professions
6 Code section 17200, *et seq.* for unlawful competition.

7 **B. Defendants**

8 10. **Defendant Inest Thacker.** Defendant Thacker, an individual, is the current
9 owner of the Property, and has been the record owner – either solely or jointly with her
10 husband who died on March 17, 1999 -- since at least October 31, 1996. The property taxes
11 and the utility bill for the Property are in Defendant Thacker's name; however, both obligations
12 have been in arrears for years.

13 11. Plaintiff names Defendant Thacker (90 years old) in this Action in her capacity as
14 the owner of the Property. She is an indispensable party and Plaintiff has no other means for
15 abating the dangerous nuisance conditions at the Property than naming Defendant Thacker in
16 this Action. Defendant Thacker is informed and aware of the narcotics and nuisance activity
17 that occurs at the Property. Moreover, Defendant Thacker has personally been the subject of
18 several criminal investigations, arrests and prosecutions, which presumably begets a level of
19 familiarity with the narcotics activity occurring at the Property: in February of 1975, Defendant
20 Thacker was convicted of possession of marijuana for sale; in March of 1977, she was
21 arrested for possession of marijuana for sale and possession of controlled substances for sale;
22 in February of 1978, Defendant Thacker was convicted of driving under the influence; in
23 September of 2001, she was convicted of possession of controlled substances for sale; in
24 October of 2001, Defendant Thacker was arrested for criminal conspiracy which was the basis
25 of a probation violation filing; and, in March of 2004, she was arrested for using or allowing to
26 be used a building to manufacture, store or sell controlled substances which was the basis of a
27 probation violation filing. The Defendant is either unable or unwilling to abate the nuisance
28 activity occurring at the Property and under the laws of the state of California described herein

1 she is liable for the nuisance activity. In an abundance of caution, Plaintiff's counsel contacted
2 Los Angeles County Adult Protective Services to alert them to the narcotics and criminal
3 nuisance activity occurring at the Property and the possibility that Defendant Thacker may be
4 exploited or otherwise harmed by individuals at the Property.

5 12. **Defendant Darryl Halcromb.** Defendant Halcromb, a 58-year old individual, is
6 the son of Defendant Thacker and currently resides at the Property. Defendant Halcromb was
7 the prior owner of the Property; on November 12, 1993, Defendant Halcromb took ownership
8 of the Property in joint tenancy. Almost three years later, on October 31, 1996, Defendant
9 Halcromb and Deadra Kay Kirtley transferred the Property as a gift to Defendant Thacker and,
10 her husband, Albert Thacker. Defendant Halcromb resides at the Property, and has been
11 arrested and convicted for weapons and drug offenses committed at the Property. He allows a
12 rotating cast of narcotics users, relatives and acquaintances, some with close affiliations to
13 criminal street gangs, to stay at the Property. It is Defendant Halcromb's residency at the
14 Property that contributes to the drug and nuisance activity and the unsafe and lawless
15 atmosphere at the Property that has come to characterize the Property for decades.

16 13. The true names and capacities of defendants sued herein as DOES 1 through
17 50, inclusive, are unknown to Plaintiff, who therefore sues said defendants by such fictitious
18 names. When the true names and capacities of said defendants have been ascertained,
19 Plaintiff will ask leave of the Court to amend this Complaint and to insert in lieu of such
20 fictitious names the true names and capacities of said fictitiously named defendants.

21 **C. The Property**

22 14. The Property is a single family residence located in the City and County of Los
23 Angeles legally described as: "Lot 105 of Tract No. 12011, as shown on Map Recorded in
24 Book 258 pages 23 to 26, inclusive, of Maps, in the Office of the County Recorder of Said
25 County." The Los Angeles County Assessor's Parcel Number for the Property is 6084-027-
26 031.

27 //

28 //

III. THE NARCOTICS ABATEMENT LAW

15. The abatement of a nuisance is a long established and well-recognized exercise of the state's police power. (*People v. Barbieri* (1917) 33 Cal.App. 770, 775; *People ex rel. Hicks v. Sarong Gals* (1974) 42 Cal.App.3d 556, 563.) Since its enactment in 1972, the principal purpose of the NAL (Health & Saf. Code, § 11570, *et seq.*) is the abatement of buildings and places "used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog specified in this division" (Health & Saf. Code, § 11570.)

16. The NAL provides that every building or place used for the purpose of unlawfully selling, serving, storing, keeping, manufacturing, or giving away any controlled substance, precursor, or analog *inter alia*, "is a nuisance which **shall** be enjoined, abated, and prevented . . . whether it is a public or private nuisance." (Health & Saf. Code, § 11570 (emphasis added); *People ex rel Lungren v. Peron* (1997) 59 Cal.App.4th 1383, 1389; *Lew v. Superior Court* (1993) 20 Cal.App.4th 866, 870-871.)

17. Health and Safety Code section 11571 authorizes a city attorney to bring an action to abate, prevent and perpetually enjoin such nuisances. It provides in relevant part: "Whenever there is reason to believe that a nuisance as described in Section 11570 is kept, maintained, or exists in any county, the district attorney of the county, or the city attorney of any incorporated city or of any city and county, in the name of the people, may maintain an action to abate and prevent the nuisance and perpetually to enjoin the person conducting or maintaining it, and the owner, lessee, or agent of the building or place in or upon which the nuisance exists from directly or indirectly maintaining or permitting the nuisance."

18. Health and Safety Code section 11573(a) provides that: "If the existence of the nuisance is shown in the action to the satisfaction of the court or judge, either by verified complaint or affidavit, the court or judge **shall** allow a temporary restraining order or injunction to abate and prevent the continuance or recurrence of the nuisance." (Emphasis added). In addition, Health and Safety Code section 11581 provides, as an additional remedy, for the removal and sale of all fixtures and movable property on the premises used in aiding or

1 abetting the nuisance and for the closure of the building for up to one year. Health and Safety
2 Code section 11573.5(b) also provides that an injunction issued pursuant to 11573 may
3 include closure of the premises pending trial when a prior order does not result in the
4 abatement of the nuisance.

5 **IV. THE PUBLIC NUISANCE LAW**

6 19. The Public Nuisance Law ("PNL"), Civil Code section 3479, defines a public
7 nuisance as "[a]nything which is injurious to health, including, but not limited to, the illegal sale
8 of controlled substances, or is indecent or offensive to the senses, or an obstruction to the
9 free use of property, so as to interfere with the comfortable enjoyment of life or property...".
10 (See *City of Bakersfield v. Miller* (1966) 64 Cal.2d 93, 99 ("The Legislature has defined in
11 general terms the word 'nuisance' in Civil Code section 3479...").)

12 20. Civil Code section 3480 defines a public nuisance as "one which affects at the
13 same time an entire community or neighborhood, or any considerable number of persons,
14 although the extent of the annoyance or damage inflicted upon individuals may be unequal."

15 21. In particular, drug dealing, loitering, consumption of alcohol and illegal drugs, and
16 boisterous conduct which creates a "hooligan-like atmosphere" constitutes a public nuisance.
17 (*People ex rel. Gallo v. Acuna* (1997) 14 Cal.4th 1090, 1120.)

18 22. Civil Code section 3491 provides for the methods by which public nuisances
19 such as those alleged herein may be abated. Civil Code section 3491 states that the
20 "remedies against a public nuisance are indictment or information, a civil action or abatement."
21 Abatement is "accomplished by a court of equity by means of an injunction proper and suitable
22 to the facts of each case." (*Sullivan v. Royer* (1887) 72 Cal. 248, 249; see also *People v.*
23 *Selby Smelting and Lead Co.* (1912) 163 Cal.84, 90 ("[I]n California, the rule is well
24 established that in proper cases injunctive relief which accomplishes the purposes of
25 abatement without its harsh features is permissible.").)

26 23. Code of Civil Procedure section 731 authorizes a city attorney to bring an action
27 to enjoin or abate a public nuisance. It provides in relevant part: "A civil action may be brought
28 in the name of the people of the State of California to abate a public nuisance . . . by the city

1 attorney of any town or city in which such nuisance exists.”

2 24. Where "a building or other property is so used as to make it a nuisance under
3 the statute, the nuisance may be abated . . . , notwithstanding that the owner had no
4 knowledge that it was used for the unlawful purpose constituting a nuisance." (*People ex rel.*
5 *Bradford v. Barbieri* (1917) 33 Cal.App. 770, 779; *see also Sturges v. Charles L. Harney, Inc.*
6 (1958) 165 Cal.App.2d 306, 318 ("a nuisance and liability therefore may exist without
7 negligence"); *People v. McCadden* (1920) 48 Cal.App. 790, 792 ("A judgment supported on
8 findings that such nuisance was conducted and maintained on the premises in question,
9 regardless of the knowledge of the owner thereof, is sufficient. Such knowledge on the part of
10 the owner . . . is unnecessary."); *People v. Peterson* (1920) 45 Cal.App. 457, 460 ("[I]t was not
11 necessary . . . for the trial court to find either, that the [defendants] threatened, and unless
12 restrained, would continue to maintain, aid, and abet, the nuisance, or that they knew the
13 building was used in violation of the act. . . . The existence of the nuisance was the ultimate
14 fact in this case, and having been found, supports the judgment.")) This is because "the
15 object of the act is not to punish; its purpose is to effect a reformation of the property itself."
16 (*People v. Bayside Land Co.* (1920) 48 Cal.App. 257, 261.)

17 **V. UNFAIR COMPETITION LAW**

18 25. The practices forbidden by the state Unfair Competition Law at Business and
19 Professions Code section 17200 *et seq.* ("UCL") include any practices forbidden by law, be
20 they criminal, federal, state, municipal, statutory, regulatory or court-made. As the California
21 Supreme Court has explained, the UCL "'borrows' violations of other laws and treats them as
22 unlawful practices independently actionable under section 17200 *et seq.*" (*South Bay*
23 *Chevrolet v. General Motors Acceptance Corp.* (1999) 72 Cal.App.4th 861, 880 (internal
24 citations and quotation marks omitted)).

25 26. As proscribed by the UCL, "[a]n 'unlawful business activity' includes anything
26 that can properly be called a business practice and that at the same time is forbidden by law."
27 (*People v. McKale* (1979) 25 Cal.3d 626, 632.) The ownership and operation of rental
28 housing, such as the Property, by nonresident owners doing so for the purposes of profit, is,

1 axiomatically, a business under the UCL. (*See People ex. rel. City of Santa Monica v. Gabriel*
2 (2010) 186 Cal.App.4th 882, 888 ["The renting of residential housing is a business."]) Thus,
3 when a property owner conducts, maintains or permits a nuisance that is unlawful under the
4 PNL and NAL to exist on the premises of such a property, it is a violation of the UCL.

5 27. Moreover, the UCL casts a broad net. "Any person performing or proposing to
6 perform an act of unfair competition may be enjoined . . ." (Bus. & Prof. Code, § 17203;
7 emphasis added.) The term "person" includes "natural persons, corporations, firms,
8 partnerships, joint stock companies, associations and other organizations of persons." (Bus.
9 & Prof. Code, § 17201.) The courts have expanded section 17200's net beyond direct liability
10 to include common law doctrines of secondary liability where the liability of each defendant is
11 predicated on his or her personal participation in the unlawful practices. (*People v. Toomey*
12 (1985) 157 Cal.App.3d 1, 14; *Emery v. Visa Int'l Service Ass'n* (2002) 95 Cal.App.4th 952,
13 960.)

14 28. Civil actions under the UCL may be brought in the name of the People of the
15 State of California by any city attorney of a city having a population in excess of 750,000 (Bus.
16 & Profs. Code, § 17204), such as the City of Los Angeles. A public entity may bring a civil
17 enforcement action pursuant to section 17200 based on violations of its own municipal code,
18 state law, or other local ordinance. (*People v. Thomas Shelton Powers, M.D., Inc.* (1992) 2
19 Cal.App.4th 330, 338-339.)

20 29. Defendants engaging in violations of the UCL may be enjoined in any court of
21 competent jurisdiction. (Bus. & Profs. Code, § 17203.) A court may make such orders or
22 judgments, including appointment of a receiver, as may be necessary to prevent the use or
23 employment of any practice constituting unfair competition. (*Id.*)

24 30. Although no case has specifically been called upon to define the term "business"
25 in section 17200, courts have frequently given a broad reading to the provisions of the UCL so
26 as to effect its broad remedial purposes. (*See, e.g., Barquis v. Merchants Collection Ass'n*
27 (1972) 7 Cal.3d 94, 111-113.) An enterprise engaged entirely in criminal conduct such as the
28 manufacture of illegal drugs or obscene matter is a business for purposes of section 17200.

1 (*People v. EWAP, Inc.* (1980) 106 Cal.App.3d 315, 320-321.) Moreover, recent amendments
2 to section 17200 make clear that even a one-time act of misconduct can constitute a violation
3 of the UCL. (*Klein v. Earth Elements, Inc.* (1997) 59 Cal.App.4th 965, 969.)

4 31. Further, the ownership and operation of rental units is, axiomatically, a business.
5 (*See People ex rel. City of Santa Monica v. Gabriel* (2010), 186 Cal.App.4th 882, 888 ("The
6 renting of residential housing is a business."); *see also Barquis v. Merchants Collection Ass'n*,
7 (1972) 7 Cal.3d 94, 111-113 (giving a broad meaning of the UCL so as to effect its broad
8 remedial purposes)). Thus, when a property owner conducts, maintains or permits a nuisance
9 that is unlawful under the NAL and/or PNL to exist on the premises of such a business, it is a
10 violation of the UCL. (*See San Francisco v. Sainez* (2000) 77 Cal.App.4th 1302, 1323.)

11 **VI. FIRST CAUSE OF ACTION FOR NARCOTICS ABATEMENT**

12 **[Health and Safety Code Section 11570, *et seq.* --**

13 **Against Defendant Thacker, Defendant Halcromb and DOES 1 through 50]**

14 32. Plaintiff hereby incorporates by reference Paragraphs 1 through 31 of this
15 Complaint and makes them part of the First Cause of Action, as if fully set forth herein.

16 33. On a continuous and ongoing basis, since at least 1997, the Property has been,
17 and is *currently* being used for the purposes of unlawfully selling, serving, storing, keeping,
18 manufacturing or giving away controlled substances in violation of Health and Safety Code
19 section 11570, *et seq.* The Property has a longstanding and well-known reputation as a place
20 where narcotics are openly and regularly sold. The Property has been, and continues to be,
21 used to store and sell narcotics at and from within the Property to drug users and buyers who
22 are drawn there to purchase and use narcotics.

23 34. Defendant Thacker, Defendant Halcromb, and Does 1 through 50 are
24 responsible for conducting, maintaining, and/or directly or indirectly permitting the nuisance as
25 alleged herein. Plaintiff has no plain, speedy and adequate remedy at law and, unless
26 Defendant Thacker, Defendant Halcromb, and Does 1 through 50, are restrained and enjoined
27 by order of this Court, they will continue to use, occupy and maintain, and/or to aid, abet or
28 permit, directly or indirectly, the use, occupation and maintenance of the Property, together

1 with the fixtures and appurtenances located therein, for the nuisance complained of herein, in
2 violation of California law and to the great and irreparable damage of the public.

3 **VII. SECOND CAUSE OF ACTION FOR PUBLIC NUISANCE**

4 **[Civil Code section 3479, et seq.]**

5 **Against Defendant Thacker, Defendant Halcromb and DOES 1 through 50]**

6 35. Plaintiff hereby incorporates by reference Paragraphs 1 through 34 of this
7 Complaint and makes them part of this Second Cause of Action as though fully set forth
8 herein.

9 36. Since at least 1997, through the present time, the Property has been owned,
10 operated, occupied, used, and/or directly or indirectly permitted to be occupied and used, in
11 such a manner as to constitute a public nuisance in violation of Civil Code sections 3479 and
12 3480. The public nuisance, as described herein, is injurious to health, indecent or offensive to
13 the senses, and/or an obstruction to the free use of property, so as to substantially and
14 unreasonably interfere with the comfortable enjoyment of life or property by those persons
15 living in the surrounding community. The public nuisance at this Property consists of, but is
16 not limited to, illegal narcotics sales, storage, and/or distribution committed at and around the
17 Property; the streams of narcotics users and buyers drawn to the Property to purchase
18 narcotics; the threatening presence and use of firearms at the Property; and multiple arrests
19 for criminal threats, batteries and assaults with deadly weapons.

20 37. Defendant Thacker, Defendant Halcromb, and Does 1 through 50, in owning,
21 conducting, maintaining, and/or permitting the use of the Property, directly or indirectly, as a
22 public nuisance, have caused a serious threat to the general health, safety and welfare of the
23 law-abiding tenants at the Property and persons in the neighborhood surrounding the Property.

24 38. Unless Defendant Thacker, Defendant Halcromb, and Does 1 through 50 are
25 restrained and enjoined by order of this Court, they will continue to use, occupy and maintain,
26 and to aid, abet or permit, directly or indirectly, the use, occupation, and maintenance of the
27 Property, together with the fixtures and appurtenances located therein, for the purpose
28 complained of herein, in violation of California law and to the great and irreparable damage of

1 Plaintiff.

2 **VIII. THIRD CAUSE OF ACTION FOR UNFAIR COMPETITION**

3 **[Business and Professions Code Section 17200, *et seq.* --**

4 **Against Defendant Thacker and DOES 1 through 50]**

5 39. Plaintiff hereby incorporates by reference Paragraphs 1 through 38 of this
6 Complaint and makes them part of this Third Cause of Action, as if fully set forth herein.

7 40. Plaintiff is informed and believes, and on such information and belief alleges, that
8 Defendant Thacker owns and rents the Property to Defendant Halcromb and his family.
9 Ownership and rental of residential housing, such as the Property is a business. When the
10 owner and/or manager of such a business violates the NAL and/or PNL such that a nuisance
11 exists and flourishes at the premises, as alleged herein, it is a violation of the UCL.

12 41. Defendant Thacker and Does 1 through 50 have violated the UCL by engaging in
13 the following unlawful or unfair business acts and practices: conducting, maintaining and/or
14 permitting, directly or indirectly, narcotics activity at the Property amounting to violations of the
15 NAL as alleged herein; and/or conducting, maintaining and/or permitting, directly or indirectly,
16 narcotics and other criminal and/or nuisance activity at the Property, as alleged herein, in
17 violation of the PNL.

18 42. Plaintiff has no adequate remedy at law, and unless Defendant Thacker and
19 Does 1 through 50 are restrained and enjoined by this Court they will continue to commit
20 unlawful business practices or acts, thereby causing irreparable injury and harm to the public's
21 welfare.

22 **PRAYER**

23 **WHEREFORE, PLAINTIFF PRAYS THAT THIS COURT ORDER, ADJUDGE AND**
24 **DECREE AS FOLLOWS:**

25 **AS TO THE FIRST CAUSE OF ACTION**

26 1. That Defendant Thacker, Defendant Halcromb, Does 1 through 50, and the
27 Property, be declared in violation of Health and Safety Code section 11570, *et seq.*

28 **///**

1 2. That the Property, together with the fixtures and moveable property therein and
2 thereon, be found to constitute a public nuisance and be permanently abated as such in
3 accordance with Section 11581 of the California Health and Safety Code.

4 3. That the Court grant a preliminary injunction, permanent injunction and order of
5 abatement in accordance with Section 11570, *et. seq.* of the California Health and Safety
6 Code, enjoining and restraining each Defendant and their agents, officers, employees and
7 anyone acting on their behalf, from unlawfully selling, serving, storing, keeping, manufacturing,
8 or giving away controlled substances on the Property, and/or directly or indirectly maintaining
9 or permitting such nuisance activity.

10 4. That the Court order physical and managerial improvements to the Property in
11 accordance with Health and Safety Code section 11573.5, and such orders as are otherwise
12 appropriate, to remedy the nuisance on the Property and enhance the abatement process,
13 including but not limited to, the following: improved lighting; sufficiently secure gating and
14 fencing; improved tenant screening and lease enforcement procedures; a 1,000 foot stay-away
15 order from the Property for Defendant Halcromb and all other known persons who have
16 contributed to the nuisance at the Property from accessing the Property; compliance with any
17 Notice of Violation and/or Order to Comply issued by any regulatory or enforcement agency;
18 and the appointment of a receiver to carry out the Court's order.

19 5. That as part of the Judgment, an Order of Abatement be issued, and the
20 Property be closed for a period of one year, not to be used for any purpose, and be under the
21 control and custody of this Court for said period of time; or, in the alternative, if the Court
22 deems such closure to be unduly harmful to the community, that Defendant Thacker,
23 Defendant Halcromb, and Does 1 through 50 pay an amount of damages equal to the fair
24 market rental value of the Property for one year to the City or County in whose jurisdiction the
25 nuisance is located in accordance with Health and Safety Code section 11581 subdivision
26 (c)(1).

27 6. That Defendant Thacker, Defendant Halcromb, and Does 1 through 50 each be
28 assessed a civil penalty in an amount not to exceed twenty-five thousand dollars (\$25,000.00).

1 7. That all fixtures and moveable property used in conducting, maintaining, aiding
2 or abetting the nuisance at the Property be removed by the LAPD and sold in the manner
3 provided for the sale of chattels under execution. Said fixtures and property shall be
4 inventoried and a list prepared and filed with this Court.

5 8. That there shall be excepted from said sale, such property to which title is
6 established in some third party not a defendant, nor agent, officer, employee or servant of any
7 defendant in this proceeding.

8 9. That the proceeds from said sale be deposited with this Court for payment of the
9 fees and costs of sale. Such costs may occur in closing said Property and keeping it closed,
10 removal of said Property, and Plaintiff's costs in the Action, including attorneys' fees, and such
11 other costs as the Court shall deem proper.

12 10. That if the proceeds of the sale do not fully discharge all such costs, fees and
13 allowances, the Property shall also be sold under execution issued upon the order of the Court
14 or judge and the proceeds of such sale shall be applied in a like manner. That any excess
15 monies remaining after payment of approved costs shall be delivered to the owner of said
16 Property. Ownership shall be established to the satisfaction of this Court.

17 11. That Defendant Thacker, Defendant Halcromb, Does 1 through 50, and any
18 agents, trustees, officers, employees and anyone acting on their behalf, and their heirs and
19 assignees, be perpetually enjoined from transferring, conveying, or encumbering any portion of
20 the Property, for consideration or otherwise, without first obtaining the Court's prior approval.

21 12. That Defendant Thacker and Does 1 through 50 be ordered to immediately notify
22 any transferees, purchasers, commercial lessees, or other successors in interest to the subject
23 Property of the existence and application of any temporary restraining order, preliminary
24 injunction, or permanent injunction to all prospective transferees, purchasers, commercial
25 lessees, or other successors in interest, *before* entering into any agreement to sell, lease or
26 transfer the Property, for consideration or otherwise, all or any portion of the Property that is
27 the subject of this Action.

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1 13. That Defendant Thacker and Does 1 through 50 be ordered to immediately give
2 a complete, legible copy of any temporary restraining order and preliminary and permanent
3 injunctions to all prospective transferees, purchasers, lessees, or other successors in interest
4 to the Property.

5 14. That Defendant Thacker and Does 1 through 50 be ordered to immediately
6 request and procure signatures from all prospective transferees, purchasers, lessees, or other
7 successors in interest to the subject Property, which acknowledges his/her respective receipt
8 of a complete, legible copy of any temporary restraining order, preliminary and permanent
9 injunction, and deliver a copy of such acknowledgment to the Los Angeles City Attorney's
10 Office, c/o Deputy City Attorney Jeanne Kim or her designee.

11 15. That Plaintiff recover the costs of this action, including law enforcement
12 investigative costs and any fees, including attorneys' fees, authorized by law, not to exceed
13 \$1,000,000.00, from Defendant Thacker, Defendant Halcromb, and Does 1 through 50.

14 **AS TO THE SECOND CAUSE OF ACTION**

15 1. That Defendant Thacker, Defendant Halcromb, and Does 1 through 50 be
16 declared in violation of Civil Code section 3479, *et seq.*

17 2. That the Property, together with the fixtures and moveable property therein and
18 thereon, be declared a public nuisance and be permanently abated as such in accordance
19 with Civil Code section 3491.

20 3. That Defendant Thacker, Defendant Halcromb, Does 1 through 50, and their
21 agents, officers, employees and anyone acting on their behalf, and their heirs and assignees,
22 be preliminarily and perpetually enjoined from operating, conducting, using, occupying, or in
23 any way permitting the use of the Property as a public nuisance. Such orders should include,
24 but not be limited to physical and managerial improvements to the Property, a 1,000 foot stay-
25 away order for Defendant Halcromb and all other known persons who have contributed to the
26 nuisance at the Property, and such other orders as are appropriate to remedy the nuisance on
27 the Property and enhance the abatement process.

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1 4. Such costs as may occur in abating said nuisance at the Property and such
2 other costs as the Court shall deem just and proper.

3 5. That Plaintiff be granted such other and further relief as the Court deems just
4 and proper, including closure and/or demolition of the Property.

5 **AS TO THE THIRD CAUSE OF ACTION**

6 1. That Defendant Thacker and Does 1 through 50 be declared in violation of
7 Business and Professions Code section 17200.

8 2. That Defendant Thacker and Does 1 through 50, as well as their agents,
9 managers, heirs, successors, and anyone acting on their behalf, be permanently enjoined from
10 maintaining, operating, or permitting any unlawful or unfair business acts or practices in
11 violation of Business and Professions Code section 17200.

12 3. That the Court grant a preliminary and/or permanent injunction prohibiting
13 Defendant Thacker and Does 1 through 50, as well as their agents, managers, heirs,
14 successors, and anyone acting on their behalf, from engaging in the unlawful or unfair acts
15 and/or practices described herein at the Property and in the City of Los Angeles. Such orders
16 should include physical and managerial improvements to the Property.

17 4. That, pursuant to Business and Professions Code section 17206, Defendant
18 Thacker and Does 1 through 50 be assessed a civil penalty of Two Thousand Five Hundred
19 Dollars (\$2,500) for each and every act of unfair competition.

20 5. That, pursuant to the Court's equitable power and Business and Professions
21 Code section 17203, the Court make such orders or judgments, including appointment of a
22 receiver, to eliminate the unfair competition alleged herein.

23 **AS TO ALL CAUSES OF ACTION**

24 1. That Plaintiff recover the amount of the filing fees and the amount of the fee for
25 the service of process or notices which would have been paid but for Government Code
26 section 6103.5, designating it as such. The fees may, at the Court's discretion, include the
27 amount of the fees for certifying and preparing transcripts.

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1 2. That Plaintiff be granted such other and further relief as the Court deems just
2 and proper.

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5 DATED: September 11, 2017

Respectfully submitted,

6 MICHAEL N. FEUER, City Attorney
7 MARY CLARE MOLIDOR, Chief, Crim. & Spec. Lit. Branch
8 TINA HESS, Dep. Chief, Safe Neighborhoods & Gang Div.
9 JONATHAN CRISTALL, Superv. Assist. City Attorney
10 LIRA FORMAN-ECHOLS, Asst. Sup. Deputy City Attorney

11 By: 

12 JEANNE KIM, Deputy City Attorney
13 Attorneys for Plaintiff, THE PEOPLE OF THE
14 STATE OF CALIFORNIA
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